

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2973*

House Bill No. 2803

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

In Section 1 by deleting the language "voluntary".

AND FURTHER AMEND by deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Title 50, Chapter 6, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section ____.

(a) The department of labor shall develop a statistical data form for collecting data relevant to assessing the workers' compensation system. In developing or altering the form, the department shall seek written comment from the advisory council on workers' compensation and the administrative office of the courts. The commissioner shall submit the proposed form to the special joint committee on workers' compensation, together with any written comments of the advisory council on workers' compensation and the administrative office of the courts, prior to submission of proposed rule to the attorney general and reporter. The initial rule shall be submitted to the committee prior to October 1, 1998. The commissioner of labor shall promulgate the form by rule pursuant to Tennessee Code Annotated, Title 4, Chapter 5, on or before October 31, 1998.

(b) The completed form shall be required to be filed in every workers' compensation case at the conclusion of the case and shall be filed with the clerk of the court (in which the case is pending) contemporaneously with the final order. An order of

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a court is not final until the statistical data form required by this section is fully completed and filed with the clerk of the court.

(c)(1) The clerk of the court shall forward to the director of the workers' compensation division of the department of labor on or before the tenth day of each calendar month all workers' compensation statistical data forms filed with the clerk during the preceding calendar month.

(2) In addition to the fees provided in title 8, chapter 21, part 4, every clerk of the court shall be entitled to a fee of one dollar (\$1.00) for each statistical form filed with the clerk.

(3) The fee associated with the filing of the statistical data form shall be a part of the court costs accruing to the clerk and shall be collected in the same manner and in addition to the other costs in the case.

(d) In cases involving a workers' compensation settlement which is submitted to the department of labor for approval, the statistical data form required by this section shall also be completed and submitted to the department of labor at the time of the submission of the settlement for approval. A settlement approved by the department of labor shall not become final until the statistical data form required by this section is fully completed and received by the department of labor.

(e) It shall be the responsibility of the employer or his agent to complete and file the form required by this section, contemporaneously with the filing of the final order or

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settlement. The employee and any agent of the employee are required to cooperate with the employer in completing this form.

AND FURTHER AMEND by adding the following language in Section 4 at the end of the amendatory language:

The commissioner's enforcement authority under this subsection applies only to the commissioner's efforts to obtain relevant data as provided in subsections (a) and (b) of this section.

AND FURTHER AMEND in Section 5 by adding the following language at the end of the amendatory language: "The commissioner of labor may add additional drugs by rule in accordance with § 50-9-111;"

AND FURTHER AMEND in Section 6 by deleting the language word "public" and by substituting instead the language "a public".

AND FURTHER AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 50-6-121(c), is amended in the first sentence by deleting the language "January 1" and by substituting instead the language "May 1".

Section _____. Tennessee Code Annotated, Section 50-6-225(e)(7), is amended by deleting the language "September 1, 1998" and by substituting instead the language "September 1, 2002".

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Section _____. Tennessee Code Annotated, Section 50-6-402(b), is amended by deleting the fourth sentence of the subsection in its entirety and by substituting instead the following:

The commissioner shall approve, disapprove or modify the filing within ninety (90) days of receiving the filing. If the commissioner modifies the filing, such modification shall be within the range established by the recommendation of the rate service organization in its filing and the recommendation of the advisory council on workers' compensation. In instances when the commissioner modifies the filing, the rate service organization shall develop a plan that reflects the commissioner's modification, unless the organization appeals the modification pursuant to Section 56-5-308.

Section _____. Tennessee Code Annotated, 56-5-308, is amended by deleting subsections (a) and (b) and substituting instead the following as new subsections (a) and (b):

(a) Basis for Disapproval. The commissioner shall disapprove a rate if:

(1) The commissioner finds that the rate is excessive, inadequate or unfairly discriminatory; or

(2) In the case of an advisory prospective loss costs filing, the commissioner finds such filing does not reasonably reflect projected losses, including loss adjustment expenses. For an advisory prospective loss costs filing the commissioner may also modify such filing as permitted by Section 50-6-402(b).

(b) (1) Disapproval Procedure. If the commissioner disapproves or modifies a filing, the commissioner shall issue a written order specifying in what respect

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that the rate proposed in such filing is excessive, inadequate or unfairly discriminatory or otherwise fails to meet the requirements of this part. The person making such filing shall be given a hearing upon written request made within thirty (30) days after the disapproval or modification order.

(2) If the commissioner disapproves rates already in effect, the commissioner shall issue such an order only after a hearing held on not less than twenty (20) days' written notice to the insurer or rate service organization which made the filing. The order shall be issued within fifteen (15) days after the close of the hearing and shall specify in what respects the rates fail to meet the requirements of this part. The order shall also state when, within a reasonable period of time, but not less than forty-five (45) days, the further use of such rate in contracts of insurance made thereafter shall be prohibited. The order may include a provision for premium adjustment for policies issued, renewed or nonrenewed after the effective date of such order. In disputes concerning a multiplier, the insurer shall have the burden of persuasion that the commissioner's disapproval, modification, or failure to approve was inappropriate.

Section _____. Tennessee Code Annotated, Section 56-5-306(c), is amended by deleting the language "of this section," in the third sentence thereof and by substituting instead the language "of §56-5-322,".

Section _____. Tennessee Code Annotated, Title 50, Chapter 9, Part 1, is amended by adding the following language as a new, appropriately designated section:

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§50-9-1___. A temporary employment agency shall not be required
 by rule, regulation or policy of the department of labor to implement a drug-free
 workplace pursuant to this chapter.

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